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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/132,916 08/12/98 RABANNE

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LM02/0726

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EXAMINER

MULLEN T  
ART UNIT PAPER NUMBER

2736

DATE MAILED:

07/26/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

#### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 6/21/99

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

☒ Claim(s) 1-6, 8 and 11-32 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 3, 5-6, 12-15, 17-18, 20, 22, 27-28 and 30 is/are allowed.

☒ Claim(s) 8, 11, 16, 19, 26, 29 and 31-32 is/are rejected.

☒ Claim(s) 2, 4, 21-22 and 30 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 6/21/99 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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1. The amendment filed 6/21/99 has been fully considered. The proposed drawing changes are approved.
2. The disclosure is objected to because of the following informalities: on page 15, lines 10-11, it appears "second communication device 30" should be --second communication device 42--.  
Appropriate correction is required.
3. Claims 2, 4, 16, 21, 22 and 30 are objected to under 37 CFR 1.75(b) as being "unduly multiplied", i.e. these claims include pairs (2 and 21; 4 and 22; 16 and 30) which are identical in scope. It appears the dependency of claims 21, 22 and 30 should be changed from "1" to --20--.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 11, 16, 19, 26, 29 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 8, 11, 16, 19, 26 and 31, "the at least one alarm (of the parent unit)" lacks antecedent basis; note that the "alarm" is no longer recited in claim 1, and is not recited in new claim 20.

In claim 29, "the tracking mechanism" lacks antecedent basis.

In claim 32, line 10, after "at least one" should be inserted --of--.

6. Claim 32 is rejected under 35 U.S.C. 102(a) as being anticipated by either Creek et al. or Sallen et al.

Creek et al. disclose a tracking system, note parent ("master") unit 24 and child ("satellite") units 10. The child units have (Figs. 1 and 3) a first communicating device 100,102 for sending a "locator" signal and receiving a "control" signal (see col. 2, lines 25-43; col. 4, lines 8-15; and col. 5, line 16 to col. 6, line 19). The parent unit has (Figs. 2 and 4) a second communicating device 84,90 for receiving the "locator" signal from the child units, electronic means (processor) 92 for monitoring the child units and determining whether the child units are within a selected range, and "controls" 52,54,98 for selectively "activating" the child units, i.e. the parent unit sends out a "search identity code" which must match a "unique identity code" of a child unit in order to "activate" it whereby the child unit sends back a response signal. See the Abstract; col. 2, lines 44-65; col. 4, line 16 to col. 5, line 3; and col. 6, line 20 to col. 7, line 41.

Since Creek et al. use unique "identity codes" to enable a child unit 10 to respond to the interrogation from a parent unit 24 (via the "first communicating device"), it is inherent that the selective "activation" of one child unit simultaneously requires the "deactivation" of the locator signal of the "first communicating device" of other child units.

Sallen et al. disclose a tracking system, note parent unit 10 and child units 100. The child units have (Figs. 1 and 3) a first communicating device 103,101 for sending a "locator" signal ("second rf signal") and receiving a "control" signal ("first rf signal"); see col. 3, lines 15-22. The parent unit has (Figs. 1-2) a second communicating device 11,13 for receiving the "locator" signal from the child units, electronic means 15 having a processor 46 for monitoring the child units and determining whether the child units are within a selected range, and "controls" 42,44 for selectively "activating" the child units--in particular, the parent unit sends out an interrogation signal comprising a modulated carrier encoded with a "digital signature" (see col. 1, lines 55-58), i.e. the signals sent between the units include address data (Fig. 4), which "activates" a particular child unit to respond only when "the decoded output (of the interrogation signal received from the parent unit) meets criteria stored in the child unit" (col. 1, lines 58-67).

Since Sallen et al. use unique "digital signatures" to enable a child unit 100 to respond to the interrogation from a parent unit 10 (via the "first communicating device"), it is inherent that the selective "activation" of one child unit simultaneously requires the "deactivation" of the locator signal of the "first communicating device" of other child units.

7. Claims 1-6, 8 and 11-31 are allowed, and/or would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

8. Applicant's arguments filed 6/21/99 have been fully considered but they are not persuasive.

Regarding claim 32 (which incorporates the subject matter of claim 18 as amended along with the subject matter of claim 1 except for the alarm), applicants broadly argue that the subject matter of the claim (i.e., the parent unit selectively deactivating the locator signal of a child unit) is "consistent with the subject matter deemed to be allowable with respect to claims 7 and 12".

However, the subject matter of original claims 7 and 12 (incorporated into independent claims 1 and 20) goes beyond what is recited in claim 32; i.e., in claim 1 as amended deactivation of all communicating devices occurs when "certain external communication signals are detected by the second communication device", and in new claim 20 a "mechanism" is used for "temporarily" terminating the signals between all of the communication devices. Further, see the discussion of Creek et al. and Sallen et al. with respect to claim 18 in the first Office action; the "inherent" teaching of these references as described by the examiner (which is repeated in section 6 above, in the paragraphs starting with "Since") is essentially identical with that found in claim 18 as amended and thus in new claim 32. In essence, since the processor in the parent unit of either Creek et al. or Sallen et al. is "programmed" to control the operation of the parent unit as a whole, and since the processor in the parent unit of either Creek et al. or Sallen et al. communicates with or "activates" only one child unit at a time (by interrogating a particular child unit and waiting for a response), it is inherent that the selective "activation" of one child unit corresponds with the selective "de-activation" of any other child units and thus with the selective

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de-activation of the "locator signal" from the other child units.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 305-4382. The examiner can normally be reached on Mon-Thur from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Ser. No. 132,916

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**or faxed to:**


(703) 308-9051 (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 308-6743 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

T. Mullen  
July 22, 1999

  
Thomas J. Mullen, Jr.  
Primary Examiner  
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